

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

NORMA LEE ADAMS and  
BARRY WAYNE ADAMS,

Plaintiffs,

v.

Case No. 4:05-cv-62

CITY OF MARSHALL, MARSHALL CITY  
POLICE, MICHAEL OLSON, MAURICE  
EVANS, BRUCE ELZINGA, ANDREW  
GROENEVELD, LEE FRIEND, TOM KING,  
GAIL M. BUDROW-BRADSTREET, STEVEN  
QUIGLEY, VINCE TRUDELL, and JOHN DOE(S)  
and JANE DOE(S),

Hon. Wendell A. Miles

Defendants.

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OPINION AND ORDER

This matter is before the Court on Plaintiffs' Notice of Objection and Request for Reconsideration by Affidavit seeking reconsideration of the Court's order of July 27, 2006, denying Plaintiffs' motion for preliminary injunction. For the reasons that follow, the Court denies the motion.

Pursuant to FED. R. CIV. P. 54(b), a non-final order is subject to reconsideration at any time before entry of a final judgment. Under the local rules, a motion for reconsideration may not present the same issue ruled upon. W.D. MICH. LCIVR 7.4(a). The movant must demonstrate a palpable defect by which the court has been misled and that a different disposition of the case must result from a correction thereof. *Id.* A motion for reconsideration may not simply "rehash" old arguments; it is not a vehicle to reargue the motion or to present evidence or

cases which should have been raised before. Sault Ste. Marie Tribe of Chippewa Indians v. Engler, 146 F.3d 367, 373 (6<sup>th</sup> Cir. 1998) (holding that a party may not use a motion for reconsideration under Federal Rule of Civil Procedure 59(e) to raise an argument that he could have and should have raised before the court adjudicated the matter in question).

Plaintiffs present the same arguments as originally presented, and merely argue that the Court incorrectly determined that they were not entitled to a preliminary injunction. Plaintiffs' motion does not provide an appropriate basis for reconsideration. Thus, there is no reason to reconsider the Court's order of July 27, 2006. Accordingly, Plaintiffs' Notice of Objection and Request for Reconsideration by Affidavit (docket #79) is DENIED.

IT IS SO ORDERED.

So ordered this 22nd day of September, 2006.

/s/ Wendell A. Miles  
Wendell A. Miles  
Senior U.S. District Judge